

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL T. RUSSO, on behalf of himself and all
others similarly situated,

Plaintiff,

-v-

TODD BRUCE, GORDON THOMPSON,
and CRYSTALLEX INTERNATIONAL
CORPORATION,

Defendants.

Case No.: 08-cv-10631

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 4/7/09

~~PROPOSED~~ ORDER

WHEREAS this action was filed on December 8, 2008 on behalf of all purchasers of the common stock of Crystallex International Corporation between July 28, 2005 and April 30, 2008, seeking to pursue remedies under the Securities Exchange Act of 1934 (the "Exchange Act");

WHEREAS pursuant to the Exchange Act, 15 U.S.C. § 4(a)(3)(A)(i), adequate notice of the filing of this action was published on December 8, 2008, informing class members of their right to file a motion for appointment as lead plaintiff by February 6, 2009;

WHEREAS on February 6, 2009 Andrew J. Colace, Thomas E. Montesion, Frederic Bouin, John D. Stone and Daniel DeNeve (collectively, the "Colace Group") moved for their appointment as Lead Plaintiffs and approval of their selection of Co-Lead Counsel;

WHEREAS on February 6, 2009 Mark Bodner, Janet Bodner, Moseh Bajnon, Rebecca Bajnon, Steven Glaser and Mindy Glaser (the "Bodner Family") moved for their appointment as Lead Plaintiffs and approval of their selection of Lead Counsel;

WHEREAS on March 6, 2009 the Bodner Family withdrew its motion for Lead Plaintiffs;

WHEREAS there is no opposition to the Colace Group's motion for appointment as Lead Plaintiffs and selection of Co-Lead Counsel.

WHEREAS Defendants take no position on the lead plaintiff motions but reserve the right to contest at the class certification stage the adequacy of the Colace Group or the Bodner Family, and challenge other factors pursuant to Fed. R. Civ. P. 23; and,

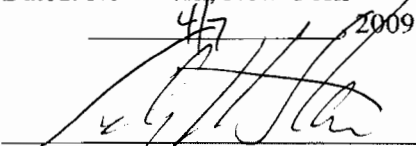
WHEREAS a hearing in this matter took place on March 27, 2009;

IT IS HEREBY ORDERED THAT:

1. The Colace Group, having timely moved for and having met the requirements set forth in 15 U.S.C. § 78u-4 to be appointed Lead Plaintiffs, are appointed Lead Plaintiffs.
2. The Colace Group's selection of Vianale & Vianale LLP and Sarraf Gentile LLP as Co-Lead Counsel is approved.
3. Lead Plaintiffs shall file an amended complaint by May 29, 2009.
4. Defendants shall file a motion to dismiss by July 31, 2009. In the event that Defendants do not file a motion to dismiss, the parties shall request a status conference with the Court.
5. Lead Plaintiffs shall file any opposition thereto by August 28, 2009.
6. Defendants shall file any reply thereto by September 15, 2009.

SO ORDERED.

Dated: New York, New York

4/7 2009

HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE